



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,917	02/13/2001	John Ditner	CISCP224/3429/08-887078US	3194

22434 7590 06/03/2004
BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

BONURA, TIMOTHY M

ART UNIT PAPER NUMBER

2114

DATE MAILED: 06/03/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

09/782,917

Applicant(s)

DITNER ET AL.

Examiner

Tim Bonura

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,11-13,15,16,22,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-10,14,17-21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

NADEEM IQBAL
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 6-7, 11-13, 15-16, 22, 24, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Dempsey, et al, U.S. Patent Number 6,169,726.

3. Regarding claim 1:

a. Regarding the limitation of “a plurality of monitors, operable to receiving status signals from a plurality of controllers associated with the plurality of monitors, wherein the plurality of controllers includes an active controller and a standby controller,”

Dempsey disclose a system with two controllers which operate in redundant active/standby mode. (Lines 37-40 of Column 3, Figure 1, items 20 and 30). The processors within the controllers (Figure 1, items 22 and 32) can send/receive a

WAKEUP signal from the other controller pair if stoppage of one controller occurs.

(Lines 29-31 of Column 4).

- b. Regarding the limitation of “one of more communications links between the plurality of monitors, wherein the one or more communications links are operable to exchange status signals between the plurality of monitors,” Dempsey discloses a system with two controllers that have two communications links. (Lines 13-16 of Column 3, Figure 1 items 40 and 42).
 - c. Regarding the limitation of “a plurality of triggers coupled to the plurality of monitors and the plurality of controllers wherein the plurality of triggers provide signals form corresponding ones of the plurality of controllers” Dempsey discloses a system with two controllers that have two processors within them. The processors within the controllers (Figure 1, items 22 and 32) can send/receive a WAKEUP signal, which are triggers to activate that other controller, from the other controller pair if stoppage of one controller occurs. (Lines 29-31 of Column 4).
4. Regarding claim 2, Dempsey discloses a system with means of setting one controller active and one to standby. This setting is sent to an AIU and stored for use. (Lines 52-58 of Column 3).
5. Regarding claim 6:
- d. Regarding the limitation of “a first controller, the first controller operating as an active controller,” Dempsey discloses controller A (Figure 1 item, 20) that can be set active. (Lines 39-41 of Column 3).

e. Regarding the limitation of “a second controller, the second controller operating as a standby controller, wherein the second controller is capable of assuming the operation performed by the first controller, the first and second controller forming a pair of redundant controllers,” Dempsey discloses a controller B (Figure 1 item 30) that can be set to a standby state. (Lines 39-41 of Column 3). The second controller can assume the active state. (Lines 44-46 of Column 3). The controllers are a redundant pair. (Lines 38-39 of Column 3).

f. Regarding the limitation of “a first logic device connected to and associated with the first controller, wherein the first logic device is suitable to receive status signals from the first controller,” The processors within the controllers (Figure 1, items 22 and 32) can send/receive a WAKEUP signal, which are triggers to activate that other controller, from the other controller pair if stoppage of one controller occurs. (Lines 29-31 of Column 4).

g. Regarding the limitation of “a second logic device connected to and associated with the second controller, wherein the second logic device is suitable to receive status signals from the second controller,” The processors within the controllers (Figure 1, items 22 and 32) can send/receive a WAKEUP signal, which are triggers to activate that other controller, from the other controller pair if stoppage of one controller occurs. (Lines 29-31 of Column 4).

h. Regarding the limitation of “two triggering means, each triggering connected to and associated with a controller, the triggering means further connected with which the triggering means is associated, the triggering means providing a signal to the controller,” Dempsey discloses a system with two controllers that have two processors within them.

Art Unit: 2114

The processors within the controllers (Figure 1, items 22 and 32) can send/receive a WAKEUP signal, which are triggers to activate that other controller, from the other controller pair if stoppage of one controller occurs. (Lines 29-31 of Column 4).

- i. Regarding the limitation of “two communications links providing for communications between the first and second logic devices.” Dempsey discloses a system with two controllers that have two communications links. (Lines 13-16 of Column 3, Figure 1 items 40 and 42).
6. Regarding claim 7, Dempsey discloses a system with means of setting one controller active and one to standby. This setting is sent to an AIU and stored for use. (Lines 52-58 of Column 3).
7. Regarding claim 11, Dempsey discloses that the processor's can produce a WAKEUP signal. (Lines 29-31 of Column 4). Applicant describes a “mono-stable trigger” as a “one shot” (page 8 line 15 of spec). The WAKEUP signal is the one and only signal sent between controllers to trigger a change in active to standby.
8. Regarding claim 12, Dempsey's controller is within a main controller (Figure 1 item 12) and a computer system. (Figure 1, item 10). (Lines 4-8 of Column 3).
9. Regarding claim 13, Dempsey discloses the WAKEUP signal is sent over a conductor. (Lines 29-31 of Column 4).
10. Regarding claim 15:
 - j. Regarding the limitation of “an active state wherein the active controller resides in the active state when the redundant controllers are not arbitrating to determine the active

controller,” Dempsey discloses a system that has an active controller that runs processes with a standby controller not running processes. (Lines 41-42 of Column 3).

k. Regarding the limitation of “a standby state therein the controller that is not the active controller resides in the standby state when the controllers not arbitrating to determine the active controller,” Dempsey discloses a system that has an active controller that runs processes with a standby controller not running processes. (Lines 41-42 of Column 3).

l. Regarding the limitation of “a first decision front, the first decision front being entered when the standby controller forcibly attempts to become the active controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. (Lines 65-67 of Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).

m. Regarding the limitation of “a second decision front, the second decision front being entered when the active controller requests to become the standby controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. (Lines 65-67 of Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).

n. Regarding the limitation of “a third decision front, the third decision front being entered by the active controller when the active controller is to become the standby controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. (Lines 65-67 of Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).

11. Regarding claim 16, Dempsey discloses a system wherein a period of time is waited between the switches of the active controller from A to B or B to A. (Lines 31-35 of Column 4).
12. Regarding claim 22:
 - o. Regarding the limitation of “setting a parameter low by the standby controller, the parameter indication that the standby controller is to forcibly become the active controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 65-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).
 - p. Regarding the limitation of “entering a first decision front of a state machine, the first decision front containing a plurality states,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. Figure 2 shows the plurality of states. (Lines 65-67 of Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).
 - q. Regarding the limitation of “setting a status signal of the standby controller to indicate it is the active controller,” Dempsey discloses a system wherein a standby controller can be set to be an active controller. (Lines 15-17 of Column 5).
 - r. Regarding the limitation of “maintain the status of the standby controller to indicate it is the active controller throughout the plurality of states in the first decision front,” Dempsey discloses a system wherein an active controller becomes the standby

controller after a timeout period but after the initialization of the change in controllers.

(Lines 65-67 of Column 4 and Lines 1-17 of Column 5, also see Figure 2).

13. Regarding claim 24:

s. Regarding the limitation of “setting a status signal of the standby controller high, indicating the standby controller is to remain the standby controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active.

(Lines 65-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

t. Regarding the limitation of “monitoring a status signal of the active controller, by the monitor associated with the standby controller,” Dempsey discloses a system where a main processor designates the state of the active and standby controllers. The main processor will, upon detection of a WAKEUP signal to switch controllers. (Lines 28-33 and 42-47 of Column 4).

u. Regarding the limitation of “remaining as the standby controller if the status signal of the active controller is set low,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

v. Regarding the limitation of “setting a status signal of the standby controller high, indicating the standby controller is to remain the standby controller if an identification

parameter of the standby controller has a certain value,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

w. Regarding the limitation of “monitoring a status signal of the active controller, by the monitor associated with the standby controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

x. Regarding the limitation of “remaining, as the standby controller if the status signal of the active controller is set low,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

14. Regarding claim 25:

y. Regarding the limitation of “setting a status signal of the active controller low, indicating the active controller is to remain the active controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO

answer. This response indicates to the standby controller to become active. (Lines 65-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

z. Regarding the limitation of “monitoring a status signal of the standby controller, by the monitor associated with the active controller,” Dempsey discloses a system where a main processor designates the state of the active and standby controllers. The main processor will, upon detection of a WAKEUP signal to switch controllers. (Lines 28-33 and 42-47 of Column 4).

aa. Regarding the limitation of “remaining as the active controller if the status signal of the standby controller is set high,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

bb. Regarding the limitation of “setting a status signal of the active controller high, indicating the active controller is to remain the active controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

cc. Regarding the limitation of “monitoring a status signal of the active controller, by the monitor associated with the standby controller,” Dempsey discloses a system with an active and standby controller in which the standby controller can become the active

Art Unit: 2114

controller after a timeout period. The response to timeout period is a YES/NO answer.

This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

dd. Regarding the limitation of "remaining as the active controller if the status signal of the standby controller is set high," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

Claim Objections

15. Claim 8 is objected to because of the following informalities: On the first line first is misspelled as "fist". **Appropriate correction is required.**

Response to Arguments

16. Applicant's arguments filed 03/16/2004 have been fully considered but they are not persuasive.

17. In response to applicant's argument that the references fail to show "multiple monitors," (Page 8 of Paper number 7), the examiner contends that Dempsey discloses multiple monitors (Lines 37-46 of Column 3). Dempsey system has at least one active and one standby monitor. The examiner contends that Dempsey clearly discloses multiple monitors.

18. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Art Unit: 2114

19. Regarding objection to claim 8, the applicant failed to make appropriate changes to overcome object in claim 8, thereby the objection is maintained. (Please see paragraph 15 above).

Allowable Subject Matter

20. Claims 3-5, 8-10, 14, 17-21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.

- o The examiner can normally be reached on **Mon-Fri: 7:30-5:00, every other Friday off**. The examiner can be reached at: **703-305-7762**.

Art Unit: 2114

23. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Rob Beausoliel**.

- The supervisor can be reached on **703-305-9713**.

24. The fax phone numbers for the organization where this application or proceeding is assigned are:

- **703-872-9306 for all patent related correspondence by FAX.**

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **703-305-3900**.

27. Responses should be mailed to:

- **Commissioner of Patents and Trademarks**

P.O. Box 1450

Alexandria, VA 22313-1450


NADEEM IQBAL
PRIMARY EXAMINER

Tim Bonura
Examiner
Art Unit 2114

tmb
May 31, 2004